

Justice Dept. Admits Wiretapping in Berrigan Case

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WASHINGTON. — The Justice Department disclosed Saturday that a national security telephone tap "probably" picked up conversations or Sister Elizabeth McCalister, one of the eight defendants in the so-called Berrigan conspiracy case alleging illegal

antiwar activities.

It is the first time the government has acknowledged having any of the defendants under electronic surveillance.

They are accused of a broad conspiracy that the government alleges began with draft-board raids and was designed to lead up to kidnapping Presidential Assistant Henry A. Kissinger and blowing up un-

derground heating pipes in Washington.

The Justice Department acknowledged that it did not have a court warrant to conduct the electronics surveillance, but said the President, acting through the attorney general, is empowered to authorize such taps to "protect national security."

A Federal appellate court

last month branded such taps unconstitutional and the Justice Department has urged the Supreme Court to reverse that ruling.

The acknowledgement that Sister Elizabeth's conversations had been monitored came in a government reply to a defense motion in a Federal court in Harrisburg.

The defense had asked U. S.

District Judge R. Dixon Herman to order a broad disclosure of all electronic surveillance involving the defendant and others in the case.

While urging Judge Herman to rule the wiretapping legal, the department also argued that the overheard conversations "by their very nature could not play a part in the prosecution."